

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DAVID FOSCUE, et al.,

Plaintiffs,

v.

ZIMMER, INC., et al.,

Defendants.

Civil Action No. 12-7491 (SDW)
Master Docket No. 09-4414
MDL No. 2158

ORDER

September 3, 2013

WIGENTON, District Judge.

Before this Court is the Report and Recommendation (“R&R”) of Magistrate Judge Madeline Cox Arleo (“Magistrate Judge Arleo”) regarding the matter of David Foscue, et al. (“Plaintiffs”) versus defendants Zimmer, Inc., et al. filed March 26, 2013 recommending the following: 1) denying Plaintiffs’ motion to remand this action to the state Circuit Court of Arkansas (“Motion to Remand”); 2) dismissing with prejudice the Amended Complaint against defendants Ervin Associates d/b/a as Zimmer Solutions, LLC; Arkansas Surgical Hospital, LLC; Dr. William Hefley; Jerry Conyer (“Conyer”); and Bowen Hefley Rhodes Stewart Orthopedics, P.A. d/b/a Martin Bowen Hefley Orthopedics Orthosurgeons.

This Court has reviewed the reasons set forth on the record by Judge Arleo, the R&R, and the record set forth on this matter. Based on the foregoing, and as set forth in this Court’s Opinion dated September 3, 2013, it is hereby

ORDERED that the R&R of Magistrate Judge Arleo, filed on March 26, 2013 is **ADOPTED** as the conclusions of law of this Court.

Plaintiffs' Motion to Remand is **DENIED** and the Amended Complaint against defendants Ervin Associates d/b/a as Zimmer Solutions, LLC; Arkansas Surgical Hospital, LLC; Dr. William Hefley; Conyer; and Bowen Hefley Rhodes Stewart Orthopedics, P.A. d/b/a Martin Bowen Hefley Orthopedics Orthosurgeons are **DISMISSED**.

SO ORDERED.

s/Susan D. Wigenton, U.S.D.J.

Orig: Clerk
cc: Judge Arleo
Parties